

REMARKS

Claims 1-20 are pending in this Application. Applicant has amended claims 1-5, 8-12, and 14-18 to define the claimed invention more particularly.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki (US Patent No. 5,721,579) in view of Umeyama (US Patent No. 7,227,576).

Applicant respectfully traverses this rejection in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to a digital camera.

The digital camera includes a photographing component for photographing a subject, a setting component for setting whether or not a generation of an intermediate image is to be carried out, an intermediate image generating component for generating, when intermediate image generation is set by the setting component, the intermediate image having a resolution between an original image and a thumbnail image, and a storage component for storing an original image photographed by the photographing component and the generated intermediate image.

In a conventional digital camera, as described in the Background of the present Application, when the pixel number of a photographing sensor such as a CCD or a CMOS is large, the resolution of the thumbnail image has been insufficient for verifying the photographed focus. An intermediate image having a resolution between the original image and the thumbnail image has been applied for achieving this object (e.g., see Application at page 1, line 23 - page 2, line 5).

However, the problem with a conventional digital cameras is that the photographing interval becomes long when an intermediate image that has a higher resolution than a thumbnail image is generated and stored in the storage medium per photographing. This is

because, in order to generate and display the intermediate image after photographing, the next photographing cannot be carried out during this processing, and it takes a long time until preparation for photographing the next image is finished (e.g., see Application at page 2, line 6-13).

The claimed invention, however, provides a digital camera, in which a setting component for setting whether or not a generation of an intermediate image is to be carried out, an intermediate image generating component for generating, when intermediate image generation is set by the setting component, the intermediate image having a resolution between an original image and a thumbnail image (e.g., see Application at page 2, lines 17-23).

This feature is important because by using this system in a digital camera, a user can optionally set whether or not to generate the intermediate image. When the intermediate image is not to be generated, the intermediate image is not generated, and because the photographing interval becomes shorter, the user can adjust the time of the photographing interval (e.g., see Application at page 3, lines 7-12).

II. THE PRIOR ART REJECTION

In rejecting claims 1-20, the Examiner alleges that one of ordinary skill in the art would have combined Umeyama with Suzuki to render obvious the claimed invention. Applicant respectfully submits, however, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, Suzuki and Umeyama do not teach or suggest, "*a setting component for setting whether or not a generation of an intermediate image is to be carried out*," as recited in claims 1, and similarly recited in claims 8 and 14.

Suzuki discloses a digital camera, in which subordinate images are produced by extracting parts of photographically obtained or externally supplied main image data of a predetermined image area. In Suzuki's device, the transmitting side automatically produces the contracted subordinate image data (step S211), and transmits the produced subordinate image data (step S212). The receiving side receives and reproduces the transmitted subordinate image (step S311), then selects a subordinate image production mode (such as area selection) (step S312), and then transmits the selected mode to the transmitting side (step S313) (col. 20, lines 17-23; Fig. 37). Suzuki, however, discloses that transmitting side

automatically produces the subordinate image in the received mode (step S213), and transmits the produced subordinate image (step S214) (col. 20, lines 24-26). Therefore, process “S313→S213” that the Examiner relies on in rejecting the claim (see Office Action at page 2, lines 14-17) is different from, and fails to teach or disclose, setting whether an intermediate image is to be carried out, as claimed in the claimed invention.

That is, as depicted in Figs. 37 and 38 of Suzuki, the transmitting side automatically produces a contracted image A2 through thinning of the main image A1 and transmits the image A2 as the subordinate image (steps S211 and S212). The receiving side receives and reproduces this subordinate image, then selects a necessary area portion B2 through the area selection on the basis of the reproduced subordinate image B1, and then transmits the area selection data to the transmitting side (steps S311 to S313). The transmitting side automatically produces a subordinate image C2 with respect to the selected area of the main image C1 on the basis of the received area information and transmits the produced subordinate image C2 to the receiving side (steps S213 and S214) (col. 20, lines 31-40). Therefore, Suzuki’s system basically includes selecting an area within an image (cropping) and automatically transmitting the cropped area to the transmitting side without setting whether or not a generation of an intermediate image is to be carried out, as claimed in the claims 1, 8, and 14.

Thus, instead of teaching or suggesting, “*a setting component for setting whether or not a generation of an intermediate image is to be carried out*,” as recited in claims 1, and similarly recited in claims 8 and 14, Suzuki merely teaches cropping an image and automatically transferring the cropped image to a transmitting side of a digital camera.

Furthermore, in rejecting claim 8, the Examiner relies on column 19, lines 58-62 of Suzuki and alleges that Suzuki discloses, “*a communicating component for communicating with the personal computer... the personal computer sets the setting component via the communicating component*” (see Office Action at page 5, lines 5-7).

Applicant respectfully submits, however, the alleged reference does not teach or suggest, “*a communicating component for communicating with the personal computer, wherein the personal computer can be used to set the setting component via the communicating component*,” (emphasis added by Applicant) as claimed in claim 8.

That is, Suzuki discloses that after the subordinate image is obtained, the data is transmitted via a telephone line or a radio line (col. 19, lines 58-62). Suzuki, however, is

silent about communicating with a personal computer in the setting process. In fact, Suzuki discloses transmitting the data via a telephone line or a radio line after the intermediate image is formed. This is different from, and fails to teach or suggest, setting the setting compound by a personal computer, wherein the setting compound sets whether or not a generation of an intermediate image is to be carried out, as claimed in claim 8.

Thus, instead of teaching or suggesting, “*a communicating component for communicating with the personal computer, wherein the personal computer can be used to set the setting component via the communicating component,*” (emphasis added by Applicant) as claimed in claim 8, Suzuki teaches transmitting the obtained data via a telephone line or a radio line.

Moreover, Applicant submits that Umeyama fails to make up the deficiencies of Suzuki.

Indeed, Umeyama discloses a digital camera, in which an intermediate image has a resolution between an original image and a thumbnail image (col. 7, lines 16-39). Umeyama, however, is silent about “*a setting component for setting whether or not a generation of an intermediate image is to be carried out*,” as recited in claims 1, and similarly recited in claims 8 and 14. Umeyama, also does not teach or suggest, “*a communicating component for communicating with the personal computer, wherein the personal computer can be used to set the setting component via the communicating component*” (emphasis added by Applicant) as claimed in claim 8.

Indeed, the Examiner does not even allege that Umeyama teaches or suggests these features. The Examiner merely relies on Umeyama for teaching of an intermediate image that has a resolution between an original image and a thumbnail image (e.g., see Office Action at page 2, last line – page 3, line 5).

Since Umeyama does not overcome the deficiencies of Suzuki, the combination of references fails to render the rejected claims obvious.

Therefore, Applicant respectfully submits that Suzuki in view of Umeyama does not teach or suggest (nor render obvious) each and every feature of the claimed invention. Therefore, Applicant respectively requests the Examiner to reconsider and withdraw this rejection.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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